

# THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

## Regular Meeting of Council

Meeting Number: 29-2011

Date of Meeting: Monday, November 7, 2011

Members Present: Mayor Bill Weber  
Deputy Mayor Elizabeth Davis-Dagg  
Councillor Dave Maguire  
Councillor Doug Bonesteel  
Councillor Lorie Scott  
Councillor Ruth Illman  
Councillor Martin Underwood  
Councillor Doug Scott  
Councillor John Russell

Staff Present: C.A.O. John Byrne  
Clerk Carol McKenzie  
Treasurer Janet Ferguson  
Planner Patti Richardson  
Administrative Assistant Roberta Brandon  
Drainage Superintendent/Construction Manager Al Little  
Project and Infrastructure Manager Nick Verhoeven  
North Area Manager Kevin Bryson  
South Area Manager Bill Bentley

Media Present: Lynda Hillman-Rapley, Lakeshore Advance  
Gord Whitehead, Various Publications  
Amy McMahan, The Standard

### 1. CALL TO ORDER

Mayor Weber called the meeting to order at 6:00 p.m.

### 2. DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST

The Mayor asked members to declare any pecuniary or conflict of interest that they may have with respect to the business itemized on the agenda and Councillor Cook declared a conflict with Section 5.7 as he is the proprietor of a wine making business in Forest.

In addition to the items on the agenda the C.A.O. Mr. John Byrne asked that Council review C.A.O. Draft Report No. 62-2011 regarding 2012 Road Transportation Capital issues. Mr. Byrne noted that this report was intended as a brief overview to guide Council in establishing the 2012 Budget allocations.

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The question of increasing the budget allocation for road capital was discussed along with the possibility of increasing contributions to the Reserve Fund for roads.

Mr. Byrne explained that the driving force behind urban infrastructure replacement has been the replacement of old watermains to bring the Municipality into compliance with the Clean Water Act and was this still a priority for Council. He further noted that apart from replacing infrastructure to comply with Drinking Water legislation, road upgrades could be triggered by other needs such as improving service to accommodate fire protection.

The need to replace the watermain under Highway #21 was discussed and the importance of making a case for this replacement with the Ministry of Transportation.

Mr. Byrne further reported on two specific road issues, one being investing in a properly constructed asphalt road upgrade using Dolomite material for Jericho Road and the other encouraging Lambton County to upgrade Thomson Line to an asphalt surface rather than doing an extensive upgrade to Decker Road by Lambton Shores.

South Area Manager Mr. Bill Bentley advised that the Town of Plympton – Wyoming has been using Dolomite and that this product provides a high quality rural road surface and that his department would be providing information on the pros and cons of this product.

Road Improvements north of the Ausable Cut, including Walker Road, were discussed along with the increasing demands for dry wells or other drainage systems along the Lakeshore area including old Grand Bend and Port.

The construction of the “Coverall” for Northville was discussed as well as the need to replace the “South Zone Works Depot”. It was noted that the current depot does not meet the current health and safety standards and the question was asked if the cost to replace this depot should be funded from current reserves or financed.

The issue of farmers encroaching on the Municipal road allowances in their effort to maximise yields and the toll it takes on the rural roads was debated. It was noted that if Council was to invest money in the rural roads it was important that they not be damaged. It was noted that a balance is needed with both the Municipality keeping the ditches clear of weeds and the farmers not encroaching on the Municipal road allowances.

#### **4. DELEGATIONS, PUBLIC MEETINGS & PRESENTATIONS**

##### **4.1 Public Meeting held Under the Development Charges Act**

**11-1107-01 Moved by: Councillor Maguire  
Seconded by: Councillor Russell**

That the regular meeting adjourns at 7:00 p.m. for a public meeting to discuss the Development Charges By-law. Carried

Clerk Carol McKenzie reported to Council that at the December 6, 2010 Council meeting, the 2010 Interim Development Charges (DC) background study was

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presented, with the recommendation being that the current level of the DC fee be retained for a one year period. This would provide the new Council an opportunity to undertake an in-depth review of the components that comprise the Development Charge before considering a change to the fee.

The council decision was that the current rates be retained for 2 years, so that, in the event that the review took longer than one year to complete, it would not be necessary to undertake another study to extend the rates. Unfortunately the by-law that was signed after the meeting retained the one year expiration date.

The Clerk noted that since the charge is not proposed to change, the 2010 Interim Development Charge Background Study presented in 2010 can still be used as the basis for the charge.

Mayor Weber called for questions from Council or members of the audience and there were none.

**11-1107-02 Moved by: Councillor Illman  
Seconded by: Councillor Scott**

That the public meeting adjourn. Carried

**11-1107-03 Moved by: Councillor Illman  
Seconded by: Deputy Mayor Davis-Dagg**

That CL Report No. 80-2011, outlining the need to correct Section 10 of By-law 101 of 2010 (being the expiration date of the Development Charges By-law) be accepted, and that Council deem that no further public meeting is required under the Development Charges Act 1997 for this purpose, and further, that By-law 94 of 2011, amending By-law 101 of 2010 be approved. Carried

### **3. CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS**

#### **3.1 Regular Council Meeting – October 17, 2011**

The minutes of the October 17, 2011 Council meeting were reviewed

**11-1107-04 Moved by: Councillor Cook  
Seconded by: Councillor Scott**

That the minutes of the Council meeting held October 17, 2011 be accepted as presented. Carried

As there was time before the first scheduled delegation, the order of the agenda was amended.

### **5. CORRESPONDENCE**

Correspondence – Receive and File

**5.1 Correspondence from Ontario Municipal Social Services Association – Re: Thank You for Contribution to Conference**

Council reviewed a letter of thanks from the Ontario Municipal Social Services Association for its donation of one hour of ice time at the Shores Arena as a door prize for the OMSSA Zone 1 Conference held in October, 2011.

**11-1107-05 Moved by: Councillor Illman  
Seconded by: Councillor Underwood**

That correspondence from the Ontario Municipal Social Services Association thanking the Municipality for a donation to their recent conference be received and filed. Carried

**5.2 Correspondence from Drinking Water Source Protection – Re: Intake Protection Zone Delineation and Vulnerability Analysis**

Correspondence from Drinking Water Source Protection regarding the Intake Protection Zone Delineation and Vulnerability Analysis report prepared for the Kettle Point Intake was reviewed and it was noted that Project and Infrastructure Manager Nick Verhoeven would be contacted to advise of any vulnerabilities that were discovered.

Correspondence – Referred to staff for Resolution or a Report to Council

**5.3 Correspondence from Townsend Meadows – Re: Request for Sidewalks on Townsend Line**

A request received from the Board of Directors and the residents of Townsend Meadows for the Municipality to consider the installation of sidewalks on Townsend Line from Juniper Place to the entrance of the Townsend Meadows development and on Union Street as well was reviewed and it was agreed that this request be referred to the 10 Year Capital Budget forecast for consideration.

**11-1107-06 Moved by: Councillor Illman  
Seconded by: Deputy Mayor Davis-Dagg**

That the request from Townsend Meadows for sidewalks on Townsend Line and Union Street be referred to staff for consideration in the 10 Year Capital Budget Roads Forecast. Carried

**5.4 Correspondence from Darlene Lacey, President of the Thedford Spirit Club – Re: Requesting Storage Areas at the Village Complex**

A request from the Thedford Spirit Club to use the small office space at the Village Complex for storage was briefly discussed and Councillor Illman noted that this request was an example of an issue that could be handled directly by staff.

**11-1107-07 Moved by: Councillor Bonesteel  
Seconded by: Councillor Russell**

That the request from the Thedford Spirit Club to use storage space within the Village Complex be referred to staff to resolve.

Carried

**5.5 Correspondence from Gary Nicholls – Re: Request to Acquire a Portion of Municipal Property**

Mr. Gary Nichols requested that his clients Mr. and Mrs. Turner be allowed to acquire a portion a road allowance from the Municipality adjacent to their property which would allow for an addition to their cottage at 7597 Biddulph Street in Port Franks. Council agreed that staff provide further information for review on this matter.

**11-1107-08 Moved by: Councillor Russell  
Seconded by: Councillor Illman**

That the request from Gary Nichols to acquire a portion of a Municipal road allowance adjacent to property located at 7597 Biddulph Street be referred to staff for review and a report back to Council.

Carried

**5.6 Correspondence from Little, Masson & Reid – Re: Acquiring Municipal Property**

On behalf of their clients Mr. and Mrs. David Moore, the legal firm of “Little Masson and Reid” are requesting the acquisition of a portion of Municipal land adjacent to their client’s property located at 16 Lakeside Circle in Grand Bend. A request for staff to provide more information was agreed upon.

**11-1107-09 Moved by: Councillor Russell  
Seconded by: Councillor Bonesteel**

That the request from Little, Masson and Reid to acquire a portion of Municipal land located adjacent to property at 16 Lakeside Circle owned by Mr. and Mrs. David Moore be referred to staff for review and a report back to Council.

Carried

Correspondence – For Council Direction

**5.7 Correspondence from MADD – Re: Concerns with the Current Campaign to Allow Beer and Wine to be Sold at Convenience Stores**

Council reviewed correspondence from the Association of Mothers Against Drunk Drivers regarding its concerns with the current campaign to allow the sale of beer and wine at convenience stores. A brief debate was held on the importance of managing alcohol consumption and minimizing alcohol-related harms and costs and Deputy Mayor

Davis-Dagg requested that Council endorse this association in its opposition to the sale of liquor, beer and/or wine in convenience stores.

**11-0711-10 Moved by: Councillor Illman  
Seconded by: Deputy Mayor Davis-Dagg**

That Council endorses the MADD Association in its efforts to prevent the sale of liquor, beer and/or wine in convenience stores and further that the correspondence from the MADD Association be forwarded on to both Community Health Centres in Lambton Shores to advocate for the health of the public. **Motion Defeated**

**11-0711-11 Moved by: Councillor Illman  
Seconded by: Councillor Scott**

That correspondence from the MADD Association regarding concerns with the sale of liquor, beer and/or wine in convenience stores be forwarded to the Lambton Shores Community Health Centres for the encouragement of the public's health.

Carried

**5.8 Correspondence from the Town of Plympton – Wyoming – Re: Request for Federal and Provincial Role with the Emerald Ash Borer**

The Town of Plympton – Wyoming is requesting that the Council for Lambton Shores support its attempt to bring attention to the Federal and Provincial governments of the growing need for financial assistance needed by local municipalities as they continue to address increasing challenges in the treatment, removal and replanting of the volumes of trees being lost to the invasive Emerald Ash Borer.

**11-1107-12 Moved by: Councillor Illman  
Seconded by: Deputy Mayor Davis-Dagg**

WHEREAS over 80% of Canadians now live in urban areas and have come to rely on the environmental, ecological and economic benefits of forests and trees;

AND WHEREAS the health of Canadians is sustained by forest and trees which, for example, provide services through improving air quality, cooling streets and buildings acting as a windbreak, shading from harmful UV rays, and filtering storm water, as well as beautifying our communities;

AND WHEREAS the Canadian Food Inspection Agency has not been able to stop the spread of the Emerald Ash Borer throughout Ontario and Quebec;

AND WHEREAS the Emerald Ash Borer is expected to cost Canadians over \$2 billion dollars in treatment, removal and replanting;

AND WHEREAS municipalities are incurring ever increasing costs associated with the treatment, removal and replanting of trees due to Emerald Ash Borer;

AND WHEREAS neither the Federal nor Provincial governments have developed programs that offer financial assistance to municipalities to help treat, remove and replant trees due to Emerald Ash Borer;

THEREFORE BE IT RESOLVED that the Council of the Municipality of Lambton Shores calls on the Federal and Provincial governments to take leadership roles in recognizing the need to financially support municipalities in the treatment, removal and replanting of trees due to Emerald Ash Borer by establishing mandates and programs;

BE IT FURTHER RESOLVED that this resolution be distributed to the Honourable Gerry Ritz, Minister of Agriculture and Agri-Food; The Honourable Joe Oliver, Minister of Natural Resources; The Honourable Denis Lebel, Minister of Transport, Infrastructure and Communities; The Honourable Jim Flaherty, Minister of Finance; Patricia Davidson, MP (Sarnia Lambton);

The Honourable Linda Jeffrey, Minister of Natural Resources; The Honourable Rick Bartolucci, Minister of Municipal Affairs and Housing; The Honourable Dwight Duncan, Minister of Finance; Bob Bailey, MPP (Sarnia Lambton);

Association of Municipalities of Ontario; Federation of Canadian Municipalities; St. Clair Region Conservation Authority; County of Lambton; Member Municipalities in the County of Lambton.

Carried

#### **4.2 Mary Curry – Re: Questions on the Zone 4 Sewer System**

A group from “Zone 4” had requested a delegation, and as the spokesperson Mary Curry was unavailable; Mr. Walter Kratz offered to introduce the delegation. Also present at the table was Mr. Bob Sharen and Mr. Ken McNair, a lawyer with the Ledroit Beckett Professional Corporation.

Mr. McNair advised he would be speaking on behalf of this delegation and asked for a response to the questions provided by the group, in particular, question 3 relating to removing the grinder pump option from the E.A. Mayor Weber advised that it was not

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the purpose of a delegation to receive response to these types of questions and that Council would receive the questions, and provide responses.

Mr. McNair then proceeded to make a statement regarding the Notice of Completion for the Preliminary Design of the Grand Bend Sewage Treatment Facility, and Councillor Bonesteel rose a "Point of Order" and asked Mr. McNair to clarify his role at the meeting, and Mr. McNair advised he was a litigation lawyer, and not a resident of zone 4.

Councillor Bonesteel raised another Point of Order and asked Mr. McNair if he was on retainer and Mr. McNair confirmed that his firm had been retained to represent certain individuals.

Council discussed which that several of the questions presented would be referred to the Ad Hoc committee that was struck to review these issues, and the balance would be referred to the C.A.O. to respond with input from the Municipal solicitor.

Mr. McNair next made reference to a letter received by the former Director of Community Services Peggy Van Mierlo-West from the Approvals Branch of the Ministry of Environment.

Councillor Underwood asked Mayor Weber for clarity regarding whether or not Council had plans to construct a sewage system for Zones 3 and 4 and the Mayor replied "Not at this time."

**11-1107-13 Moved by: Councillor Russell  
Seconded by: Councillor Scott**

That the questions posed by the scheduled delegation from "Zone 4" be referred to the Grand Bend Sewer Ad Hoc Committee and staff for response, and further; that the Municipal Solicitor be consulted on the potential litigation issue. Carried

### **6. CONSIDERATION OF COMMITTEE MINUTES AND STAFF REPORTS**

#### **6.1 Minutes of the Grand Bend Area Sewage Plant Board held August 19, 2011**

The minutes of the Grand Bend and Area Sewage Board meeting held the 19<sup>th</sup> day of August were reviewed by Council.

**11-1107-14 Moved by: Councillor Maguire  
Seconded by: Councillor Scott**

That the minutes of the August 19, 2011 Grand Bend and Area Sewage Board meeting be received and filed. Carried

#### **6.2 Minutes of the New Official Plan Steering Committee Meeting held September 23, 2011**

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Council reviewed the minutes of the September 23, 2011 meeting of the New Official Plan Steering Committee.

**11-1107-15 Moved by: Deputy Mayor Davis-Dagg  
Seconded by: Councillor Scott**

That the minutes of the New Official Plan Steering Committee meeting held the 23<sup>rd</sup> day of September, 2012 be received and filed. Carried

### **6.3 Minutes of the Grand Bend Sewer Ad Hoc Committee Meeting held September 26, 2011**

The minutes of the September 26, 2011 meeting of the Grand Bend Sewer Ad Hoc Committee were reviewed and Deputy Mayor Davis-Dagg noted that an amendment to the minutes that she had made note of had not been corrected.

**11-1107-16 Moved by: Councillor Bonesteel  
Seconded by: Councillor Illman**

That the minutes of the Grand Bend Sewer Ad Hoc Committee meeting held September 26, 2011 be received and filed. Carried

### **6.4 Minutes of the Grand Bend Sewer Ad Hoc Committee Meeting held October 11, 2011**

The minutes of the October 11, 2011 meeting for the Grand Bend Sewer Ad Hoc Committee were reviewed.

**11-1107-17 Moved by: Councillor Scott  
Seconded by: Councillor Bonesteel**

That the minutes of the Grand Bend Sewer Ad Hoc Committee meeting held the 11<sup>th</sup> day of October, 2011 be received and filed. Carried

## Corporate & Strategic

### **POINT OF ORDER**

Councillor Bonesteel rose on a Point of Order and requested that Item 6.11 of the agenda be tabled for more information.

**11-1107-17 Moved by: Councillor Russell  
Seconded by: Councillor Scott**

That C.A.O. Report No. 65-2011 regarding the tender results for the Grand Bend Area Sewage Treatment Facility be tabled for more information. Carried

#### **6.5 C.A.O. Report No. 50-2011 – Re: Wayfinding Signage Strategy**

The importance of a “Wayfinding Signage” program was identified in the Lambton Shores’ Community Improvement Plan, the Recreation and Leisure Master Plan and the Grand Bend Beach Study.

In order to identify companies that capable of designing and manufacturing signage, an option was provided in C.A.O. Report No. 50-2011 to undertake an RFP to select a sign company capable of supporting this undertaking and with the ability to produce the art work, sign design, manufacturing etc. and could assist the Municipality with the final artwork design and cost estimates.

**11-1107-18 Moved by: Councillor Illman  
Seconded by: Councillor Scott**

That the Municipality of Lambton Shores instructs staff to proceed with drafting an RFP for the selection of a company to produce “Wayfinding signage” art work and design, and inclusion in the 2012 budget discussion. Carried

#### **6.6 C.A.O. Report No. 57-2011 – Re: Water Meter Replacement Project**

The results of the Request for Proposals for the replacement of 185 water meters in the Grand Bend area were presented, and it was noted that only one proposal was received. Staff recommended that rather than proceed at this time, that the full amount of funds allocated to the 2011 project be used to purchase meter assemblies, and that the number of units proposed for replacement in 2011 be combined with the 2012 program, which may encourage a more competitive bidding process.

**11-1107-19- Moved by: Councillor Russell  
Seconded by: Councillor Bonesteel**

That the bid from Corix Water Products for replacement of water meters in Grand Bend be rejected and that staff be authorized to utilize the 2011 water meter replacement program allocation to purchase meter assembly stock for use in the 2012 Water Meter Replacement Project. Carried

#### **6.7 C.A.O. Report No. 60-2011 – Re: Kennedy Line Drainage Issues**

The options in C.A.O. Report No. 60-2011 to deal with flooding along Kennedy Line from Arkona Road to the Ausable River were reviewed and Option #2 was the preferred method of Council in helping to alleviate this problem.

**11-1107-20 Moved by: Councillor Russell**

**Seconded by: Deputy Mayor Davis-Dagg**

That the road authority files a petition under the Municipal Drainage Act Section 4.1 (c) to have the Poulton Drain engineered and reconstructed with all costs to be assessed back to the benefitting landowners within the catchment area. Carried

**6.8 C.A.O. Report No. 61-2011 – Re: Lambton Shores’ Predators Jr. B. Request for Licensed Area**

The Lambton Shores’ Predators Jr. B Hockey Team has submitted a request for permission to have a licensed area for their home games at The Shores Recreation Centre. Council approved this request in accordance with the Municipal Alcohol Policy, with the exclusion of tiered seating

**11-1107-21 Moved by: Councillor Illman  
Seconded by: Councillor Scott**

That Council approves the request from the Lambton Shores’ Predators for a licensed area during home games within the northwest corner of The Shores Recreation Centre, in accordance with the municipal alcohol policy, with the exclusion of tiered seating. Carried

**6.9 C.A.O. Report No. 63-2011 – Re: Reimbursement of B.I.A. Levy - Wellington Land – Forest**

The Forest B.I.A. assesses its annual levy against all business and industrial properties within its designated area. Wellington Builders Inc. are the owners of four of the assessed properties and have allowed these properties to be used for public parking for many years. Currently, the properties are being assessed \$586.91 for the B.I.A. levy, and Council agreed that given the circumstances, the Municipality should absorb this levy as part of the operating costs of Municipal parking lots with Lambton Shores. It was agreed that an agreement be drawn up to formalize the arrangements.

**11-1107-22 Moved by: Councillor Cook  
Seconded by: Councillor Russell**

That Council approve the Forest B.I.A. Levy for the parking lot properties owned by Wellington Builders as a Municipal expense and that staff are directed to prepare an agreement to formalize the arrangement as outlined in C.A.O. Report No. 63-2011.

Carried

**6.10 C.A.O. Report No. 64-2011 – Re: SOCAN and Hall Rental Fees**

SOCAN (*Society of Composers, Authors and Music Publishers of Canada*) is the Canadian copyright collective that administers the performing rights of more than 100,000 composer, author and music publisher members by licensing the use of their

music in Canada. SOCAN collects license fees on behalf of the artists and distributes royalties to them.

It is the Municipality's responsibility to report events, such as receptions, conventions, assemblies and fashion shows, where music is played, and pay the specific tariff rate to SOCAN, which were outlined in C.A.O. Report No. 64-2011. It was noted the current hall rental rates do not include a requirement for the renters to pay the SOCAN fees, and Council agreed that consideration should be made to review and amend the current Hall rates and incorporate a portion, if not all, of the SOCAN fees that are being charged to the Municipality.

**11-1107-23 Moved by: Councillor Russell  
Seconded by: Deputy Mayor Davis Dagg**

That staff prepare a report for Council on proposed amendments to Municipal Hall rental fees with the SOCAN rates incorporated.

Carried

**6.12 C.A.O. Report No. 66-2011 – Re: Allocation of Funds from the AUBI Legacy Centre Fund**

The C.A.O. Mr. Byrne advised that the Municipality has received \$70,000.00, (less legal and administrative fees), from AUBI Building Inc. as a gesture of support for the groups and organizations that were inconvenienced by the delay in the completion of the Legacy Recreation Centre. C.A.O. Report No. 66-2011 reviewed the proposed allocations of the funds to the affected groups and organizations, based on their percentage of use.

The issue of compensating the Thedford Dirty Dogs for the loss of revenues during the past year's hockey season was discussed and it was confirmed that the CAO, Mayor Weber and Councillor Bonesteel continue to work towards a reasonable settlement using the remaining funds left in the AUBI Compensation Fund.

**11-1107-24 Moved by: Councillor Illman  
Seconded by: Councillor Underwood**

That Council approves the allocations of monies from the AUBI Fund as compensation for those Lambton Shores groups and organizations adversely affected by the delay in the reconstruction of the Legacy Recreation Centre as proposed in C.A.O. Report No. 66-2011, and continue to work with the Thedford Dirty Dogs on a reasonable settlement.

Carried

**6.13 PL Report No. 39-2011 – Re: Severance Agreement between Frank and Joan Teahen and the Municipality of Lambton Shores – 9862 Lakeshore Road**

In order to satisfy the conditions of a consent application approved by the Committee of Adjustment, Frank and Joan Teahen are required to enter into a severance agreement

with the Municipality. This Severance Agreement for the proposed development has been prepared and was presented for Council's authorization and approval.

**11-1107-25 Moved by: Councillor Cook  
Seconded by: Councillor Russell**

That Council pass a by-law authorizing the execution of a Severance Agreement between Frank James Joseph and Joan Doris Teahen and the Corporation of the Municipality of Lambton Shores for lands located at 9862 Lakeshore Road. Carried

**6.14 PL Report No. 40-2011 – Re: Severance Agreement between David and Kelly McKenzie – 10100 Huron Drive, Grand Bend**

As one of the conditions for a severance application approved by the Committee of Adjustment for David and Kelly McKenzie the applicants are required to enter into a severance agreement with the Municipality. This agreement has been prepared and was presented for Council approval.

**11-1107-26 Moved by: Councillor Bonesteel  
Seconded by: Councillor Underwood**

That PL Report No. 40-2011 respecting the execution of a Severance Agreement between David Alexander McKenzie and Kelly Annette McKenzie and the Corporation of the Municipality of Lambton Shores affecting lands known as 10100 Huron Drive be received and filed and that the by-law to authorize the execution of the agreement be approved. Carried

**6.15 PL Report No. 41-2011 – Re: Approval and Execution of a Subdivision Agreement between Rice Development Company Inc. and the Municipality of Lambton Shores – Final Approval of Condition 12 of Draft Plan of Subdivision No. SD2006-1 (Revised) – West Half of 77 Main Street, East, Grand Bend**

The final subdivision agreement between Rice Development Company Inc. and the Municipality was presented for Council review.

**11-1107-27 Moved by: Councillor Illman  
Seconded by: Councillor Russell**

That PL Report No. 43-2011 respecting the approval and execution of a Subdivision Agreement between Rice Development Company Inc. and the Corporation of the Municipality of Lambton Shores affecting lands subject of Final approval of Draft Plan of Subdivision No. SD2006-1 (Revised) – West Half 77 Main Street, East, Grand Bend be received and filed; and that Council grant final approval to Condition 12 of the Draft Approval Plan of Subdivision No. SD2006-

1 (revised) West Half and that the by-law to authorize the execution of the Subdivision Agreement be approved. Carried

**6.16 PL Report No. 42-2011 – Re: Assumption By-law for Fairview Drive Registered Plan 750 – Arkona**

Planner Patti Richardson advised that the two year maintenance period for Fairview Drive had lapsed, and that Municipal staff is satisfied that the works required by the agreement have been installed in compliance with the Subdivision Agreement, with the exception of the landscaping of the storm water management facility. The Municipality has retained sufficient security to complete these works which will be installed next spring. As such the Planner recommended that Council approve the assumption of Fairview Drive.

**11-1107-28 Moved by: Deputy Mayor Davis-Dagg  
Seconded by: Councillor Cook**

That PL Report No. 42-2011 respecting the assumption of Fairview Drive be received and filed and that the by-law to assume Fairview Drive be approved. Carried

Community Services

**6.17 Recreation & Leisure Services Master Plan – for Approval**

As the Recreation and Leisure Services Master Plan had been previously reviewed by Council, a motion to approve this document was needed.

**11-1107-29 Moved by: Councillor Scott  
Seconded by: Councillor Underwood**

That the Recreation and Leisure Services Master Plan as prepared by Monteith –Brown Planning Consultants be accepted as presented and referred to staff for reference in dealing with future recreational needs. Carried

**6.18 Grand Bend Beach Research and Consultation Initiative – for Approval**

As the Grand Bend Beach Research and Consultation Initiative as prepared by Monteith – Brown Planning Consultants had been previously reviewed by Council a motion to accept this document was needed.

**11-1107-30 Moved by: Councillor Bonesteel  
Seconded by: Councillor Scott**

That the Grand Bend Beach Research and Consultation Initiative as prepared by Monteith-Brown Planning Consultants be accepted as presented and referred to staff for reference in dealing with the future of the Grand Bend Beach. Carried

Administration & Finance

**6.19 TR Report No. 49-2011 – Re: Water and Wastewater Rates 2012**

At the October 17, 2011 Council meeting Council approved the 2012 water and wastewater rates as projected in the Watson and Associates rate review study that had previously been adopted in January of 2010.

**11-1107-31 Moved by: Councillor Cook  
Seconded by: Councillor Russell**

That Council pass By-law 93-2011 establishing the 2012 Water and Wastewater Rates. Carried

**6.20 TR Report No. 50-2011 – Re: Kiwanis Kineto Theatre Fundraising**

The options to assist the Kiwanis Kineto Theatre in its efforts to raise funds for the purchase of digital movie theatre equipment were outlined in TR Report No. 50-2011.

The option of providing financing to this group was discussed and it was agreed that this could be considered if it was consistent with past financing, and would require a detailed financial plan being provided outlining the Kiwanis Club's.

**11-1107-32 Moved by: Councillor Underwood  
Seconded by: Councillor Illman**

That TR Report No. 50-2011 outlining the options available to the Kiwanis Club in its fundraising efforts to pay for new digital camera equipment be received and filed and that the option of a no interest loan from the Municipality be approved on condition that the Kiwanis Club provide a financial plan on its commitment to this purchase. Carried

**6.21 TR Report No. 52-2011 – Re: Property Assessment**

Information regarding the current Municipal Property Assessment Corporation's method of re-assessing properties within Lambton Shores was briefly reviewed.

**11-1107-33 Moved by: Deputy Mayor Davis-Dagg  
Seconded by: Councillor Russell**

That TR Report No. 52-2011 regarding property assessment within Lambton Shores be received and filed. Carried

**6.22 CL Report No. 73-2011 – RE: Terry and Elaine Bell – Use of a Portion of the Unopened Road Allowance between Concession 18 and 19**

At the September 6, 2011 Council approved in principal a request from Elaine and Terry Bell for the exclusive use of a section of the road allowance between Concession 18 and 19 in Ipperwash to construct a fence in order to protect their laneway from damage and intrusions. The options to implement this approval were outlined in CL Report No. 73-2011, and the recommended approach was to close the portion of the road to be used by the Bells. Notice of the proposed closing would be given, and the public provided an opportunity to submit comments.

**11-1107-34 Moved by: Councillor Russell  
Seconded by: Deputy Mayor Davis-Dagg**

That notice be provided of the proposal to close and grant the exclusive use of the northerly 33' of the unopened road allowance between Concessions 18 and 19 to the abutting owner, as outlined in CL Report No. 73-2011. Carried

**6.23 CL Report No. 76-2011 – Re: By-law and Tender Agreement – Drain Maintenance**

On September 8, 2011, proposals were submitted for the maintenance of the Alexander Drain, Don Scott Drain, Elliott West Drain, Elliott McBryan Drain, Gilliard Drain, Mud Creek and the Sullivan Drain. The low bid for the proposal was submitted by VanDriel Excavating Inc., and the proposal was approved at the Council meeting held the 19<sup>th</sup> of September, 2011. The agreements have been submitted by the contractor and the authorizing by-law was submitted for approval.

**11-1107-35 Moved by: Councillor Russell  
Seconded by: Councillor Underwood**

That the agreement with VanDriel Excavating Inc. for the maintenance of certain Municipal drains, and the authorizing By-law 91-2011, as outlined in CL Report No. 76-2011 be approved. Carried

**6.24 CL Report No. 77-2011 – Re: Assuming a Portion of a Highway**

CL Report No. 77-2011 detailed the history of a process undertaken several years ago to legitimize the location a portion of the existing Parkview Crescent. A land transfer took place, and the portion acquired by the Municipality is being used as part of the travelled portion of the road. A request has been received for the Municipality to formally assume and dedicate this section as part of the public highway system.

**11-1107-36 Moved by: Councillor Illman  
Seconded by: Councillor Cook**

That CL Report No. 77-2011, outlining a request to assume and dedicate a portion of the Parkview Crescent Road to be part of the public highway system be accepted, and that By-law 92 of 2011 be approved. Carried

**6.25 CL Report No. 78-2011 – Re: Applications heard by the Committee of Adjustment on October 27, 2011**

The decisions made by the Committee of Adjustment on applications heard at the October 27, 2011 meeting were reviewed by Council.

**11-1107-38 Moved by: Deputy Mayor Davis-Dagg  
Seconded by: Councillor Russell**

That CL Report No. 78-2011 regarding the applications heard by the Committee of Adjustment at the October 27, 2011 meeting be received and filed. Carried

**6.26 CL Report No. 79-2011 – Re: By-law and Tender Agreement – Environmental Assessment Process and Design of a Winter Maintenance Storage Building**

The agreements for the completion of the environmental assessment process and the design of a winter maintenance storage building the contract has now been received from the Engineering firm awarded the project, and the document was submitted for review and approval, along with the authorizing by-law.

**11-1107-39 Moved by: Councillor Illman  
Seconded by: Councillor Underwood**

That the agreement with Boshier Keightley Letham Ltd. for the Environmental Assessment Process and Design of a Winter Maintenance Storage Building, and the authorizing By-law 96-2011, as outlined in CL Report No. 79-2011 be approved. Carried

**7. BY-LAWS AND RESOLUTIONS**

**11-1107-40 Moved by: Councillor Scott  
Seconded by: Councillor Underwood**

That the following by-laws be read a first, second and third time, passed and numbered appropriately, signed by the Mayor and Clerk and engrossed in the by-law book:

- By-law 78-2011 – Sercombe Drain – 3<sup>rd</sup> Reading
- By-law 89-2011 – Authorize Severance Agreement – Teahen
- By-law 90-2011 – Assume a Highway
- By-law 91-2011 – Authorize Agreement with VanDriel
- By-law 92-2011 – Dedicate Land as Public Highway – Parkview Crescent
- By-law 93-2011 – Establish Water & Wastewater Usage & Consumption Rates for 2012
- By-law 94-2011 – Correcting Section 10 of DC By-law 101

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- By-law 95-2011 – Authorize Severance Agreement with McKenzie
- By-law 96-2011 – Authorize Agreement with BKL for Winter Storage Maintenance Building
- By-law 97-2011 – Authorize Subdivision Agreement with Rice Development
- By-law 98-2011 – Confirming Resolutions to Date – November 7, 2011. Carried

### **8. ACCOUNTS**

There were no accounts for Council to review.

#### **4.3 Communities in Bloom Representatives Catherine Minielly & Grace Dekker – Re: National Competition Results**

Catherine Minielly and Grace Dekker, representing the Lambton Shores' Communities in Blooms program were in attendance and presented Council with the National Communities in Blooms 5 Blooms designation that was recently awarded to the Municipality. Mrs. Minielly and Mrs. Dekker also noted that Lambton Shores had been in the top three nationally for an environmental award.

They also provided details on the project goals for Communities in Bloom 2012 program and the great benefits of Communities in Bloom to Lambton Shores, as the program has been an excellent way to bring the various communities together.

### **9. COUNCILLOR REPORTS**

Mayor Weber reported that he had attended Remembrance Day Dinners in Grand Bend and in Forest as well as the Arkona Remembrance Day Parade, all in honour of Canada's war veterans.

He further reported that a group of high school students from Forest were going to Europe in 2012 and would be recognizing the 95<sup>th</sup> Anniversary of the Vimy Ridge Battle Field and that it was important to send Lambton Shores' pins with these students in support of their trip.

Councillor Russell updated Council on a current educational session held by the Nature Trail Committee and advised the Councillor Bonesteel would be the Municipal liaison to this group.

Councillor Underwood noted that it would be nice if a sign announcing the future site of a BMX Bike Track could be installed in Forest.

Councillor Bonesteel advised that he had attended a pot luck dinner put on by the Huron Woods Homeowners Association and that the newest restaurant in Grand Bend, White Caps, was now open.

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Deputy Mayor Davis-Dagg noted that she had attend the Leaders of the Decade event held recently in Grand Bend and that this type of event should be considered within other areas of the Municipality.

She further reported on recent initiatives by the Lambton Area Water Supply System which will result in operational savings.

Councillor Cook reported that he had recently attended the Grand Bend Horticultural Gala and thanked the Mayor, Deputy Mayor and Councillor Underwood for attending the Annual Remembrance Day parade in Arkona.

Councillor Maguire also reported that he had attended the Leaders of the Decade Event held for Grand Bend and that the Grand Bend businesses were celebrating “Christmas Comes Early” this coming weekend.

Councillor Scott reported that things were quiet in the Port.

Councillor Illman reported that the Forest B.I.A. Christmas activities would begin shortly, that the Tri-Sport Committee had contributed a further \$6,300. towards a skate sharpener for The Shores Recreation Centre and that the Forest Community Foundation Grants would be announced November 22<sup>nd</sup>.

### **10. NEW BUSINESS**

Mayor Weber announced that Council would proceed into a Closed Session following the Discussion Period to deal with legal issues following the outcome of the 4.2 Scheduled Delegation.

### **11. DISCUSSION PERIOD**

Mr. Glen VanValkenburg, speaking on behalf of the Forest B.I.A. asked that Council consider “Wayfinding Signage” as a priority and proceed in getting a proposal to initiate this signage program.

Mrs. Ruthanne Wallace noted her concern with the statement made in C.A.O. Report No. 60-2011 regarding the use of road allowances by farmers to increase their yields, and advised that farmers only used the road allowances as a way to keep weeds down.

She further advised that there was equipment available for purchase that would aid the Municipal Community Services staff in cutting the road allowances.

### **12. CONFIDENTIAL**

**11-1107-41 Moved by: Deputy-Mayor Davis Dagg  
Seconded by: Councillor Scott**

That the meeting goes in a “Closed Session” at 8:59 p.m. to discuss a legal matter. Carried

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Council rose out of camera and reported that a discussion had taken place regarding a potential litigation issue and requested that staff report back to Council "In Camera:" with further information on this issue.

**13. ADJOURN**

**11- 1107-42 Moved by: Councillor Maguire  
Seconded by: Councillor Cook**

That the November 7, 2011 Council meeting adjourns at 9:20 p.m.  
Carried